

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JOHN DOE,

Plaintiff,

V.

BAILE SEBROW

Defendant.

CASE NUMBER:

2:21-CV-20706-MEF-ESK

CERTIFICATION OF ATTORNEY

I, Ira W. Heller, being of full age, do hereby certify:

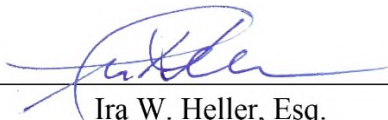
1. I am the attorney for the Defendant in this matter and therefore fully familiar with the facts of this case.
2. I submit this certification on behalf of Defendant in support of a motion, pursuant to Fed. R. Civ. P. 6(b)(1)(B) and L. Civ. R. 6.1(b), to re-file Defendant's corrected Amended Answer and Counterclaim out of time as allowed by these Rules.
3. I unintentionally used Plaintiff's name not John Doe in the body of the Defendant's Amended Answer and Counterclaim and was unaware of doing so until it was pointed out by Plaintiff's counsel in his correspondence to this Court the day after the filing. I had redacted his name from the new sections and attachments, I did not realize his real name was used in the section I reused from the original Answer and Counterclaim. This was my carelessness in attempt to rush out a filing prior to the in-person conference. There was no blatant defiance or malintent by either myself or the Defendant, as this Court, I believe, has now realized.
4. As to it not being filed in a timely basis, again, it was not intentional. There was a flurry of activity in the case at the time which made it confusing as to whether we could file an

application to extend time to file Defendant's Amended Answer and Counterclaim until after all the open matters were resolved. There were motions from both parties, an Order to Show Cause, Objections, myriad of letters, and Text Order 55 specifically barred any applications or even letters until all the unresolved issues had been adjudicated. However, I decided that since there was an in-person conference approaching and at least the Order to Show Cause was resolved, I would file Defendant's Amended Answer and Counterclaim and explain to the Court the confusion.

5. As per the Court Rules, these actions are excusable neglect and good cause for the Court to accept a re-filing of the Defendant's proper Amended Answer and Counterclaim. Neither I nor Defendant acted in bad faith, they were simply mistakes.
6. As explained in the Letter Brief in support of this Motion, in weighing the factors needed to be considered for the Court to grant Defendant the relief sought, it is clear that in the interest of fairness and justice, Defendant's request the opportunity to answer, move or otherwise reply to Plaintiff's Amended Complaint out of time. To not grant the relief would be a grave miscarriage of justice, deny Defendant her due process rights and once again unfairly tip the scale in Plaintiff's favor.

I hereby certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

Date: September 18, 2023


Ira W. Heller, Esq.